

BAY DELTA CONSERVATION PLAN DRAFT EIS
Talking Points for Jared Blumenfeld, 5.7.14

ISSUE

Region 9 proposes to rate the Bay Delta Conservation Plan (BDCP) Draft EIS as (b)(5)(Deliberative)

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- **The project operations are expected to cause long term violations of federal water quality standards.**
 - The Delta is already listed as impaired for the wqs that would be violated.
 - The DEIS states that salinity standards would be violated more often as a result of the project
 - Bromide, selenium, and mercury concentrations would all increase
- The project operations would cause **adverse effects on beneficial uses.**
 - Beneficial uses include drinking and agricultural water, aquatic life
- The project would cause **permanent degradation of conditions for endangered fish populations.**
 - Project rests on scientifically unproven premise that habitat restoration alone will ensure recovery
- **The DEIS is inconsistent in its analysis of the alternatives.**
 - Alternative 4 (the Proposed Project) received more analysis than other viable alternatives
- The DEIS contains **unsupported conclusions about impacts.**
 - Some impacts that are the same quantitatively receive “non determined” or “adverse” determinations.
- The DEIS is **overly optimistic** in the face of significant uncertainty about the tunnels and the habitat restoration.
 - Restoration is assumed to be 100% successful; typical success rates are more likely 20-60%
 - The project proponents plan to take proportionally more water in a future with less water for everyone

POTENTIAL SOLUTIONS; WHAT DOES EPA RECOMMEND?

- **Mitigation measures that were considered infeasible or dismissed should be evaluated, e.g.:**
 - providing additional outflow to meet salinity standards
 - demand mgmt, negotiation/coordination with upstream users, etc.
 - defined targets and actions, e.g., land retirement when monitoring shows exceedances in mercury and selenium
- **The document MAY contain a possible solution, e.g.:**
 - further refinement of Alt 7 or Alt 8 (higher outflow alternatives)
 - pairing a different alignment/size conveyance with a different operational scenario
- **The document can be improved for readability, transparency, and synthesis, e.g.:**
 - summary tables could be provided for fish impacts
 - the document should acknowledge the demand baselines and targets for water supply
 - the document could provide error bars or a feasibility analysis for restoration targets
- **The document needs to be a document that the federal agencies can stand by.**
 - show how all unresolved issues in the progress assessments have been addressed
 - show how an ESA permit could be written (funding sources, mitigation, show recovery etc)
 - provide adequate support for issuance of a 404 permit

EPA'S COMMENTS ARE SUPPORTED BY OUTSIDE PARTIES

- Independent Scientific Reviews say that much more work has to be done
- Army Corps continues to say that they cannot use this document to support a 404 permit decision
- CA Advisory Commission on Salmon and Steelhead says this should not proceed
- Items in the Lead Federal Agencies' own Progress Assessments are not fully addressed

NEXT STEPS

- (1) Ken Kopocis to deliver messages at CEQ meeting (date and time unknown)
- (2) Request Jared Blumenfeld's concurrence on the proposed rating; briefing scheduled for 5/7
- (3) Complete internal review and editing of Detailed Comments (target date: 5/12)
- (4) Brief Cynthia Giles and Ken Kopocis during week of 5/12 (scheduling in progress)
- (5) Send letter and Detailed Comments to OFA by 5/14 for HQ review
- (6) Complete Communication Strategy by 5/16
- (7) Briefing for Administrator 5/20 at 12PM EST (note: RA/AA mid-year meetings in DC that week)
- (8) Receive HQ comments by 5/23; incorporate edits/resolve any HQ concerns;
- (9) Conference call with lead federal agencies to advise of rating and major concerns
- (10) Send Final Draft to Jared, Cynthia and Ken on 5/30; await Cynthia's approval
(Note: KMG will be at HQ 6/3-5 for NEPA/309 National Meeting)
- (11) Jared signs letter; ERS sends final comments to USFWS/NMFS/BOR on 6/13/14.